

Chapter 3

Referrals & Applications

3.1 Authority: 34 CFR 361.41

3.2 Policy

USOR policy requires the prompt and equitable handling of referrals and client applications for vocational rehabilitation services. It is USOR policy that individuals referred to the VR program are provided with access to orientation and application information. USOR policy further requires that an initial interview with the assigned VR Counselor be scheduled within a reasonable and expeditious time frame after the orientation so as not to delay application and eligibility determination. VR Counselors will accept and date stamp completed applications when one is presented by an applicant regardless of when the initial interview is scheduled. The 60 day eligibility time frame begins on the date the signed application is received and date stamped.

3.3 Processing Timelines

DRS expectation is that each individual interested in applying for services be offered access to an application and program information via a Welcome Session within 10 (ten) working days of initial contact. Federal law requires that a determination of eligibility/ineligibility for vocational rehabilitation services shall be completed within a reasonable period of time not to exceed 60 (sixty) days after the individual has submitted an application requesting VR services unless:

- a. USOR notifies the individual that exceptional and unforeseen circumstances, beyond the control of the agency, preclude the agency from completing the determination within the prescribed time and the individual agrees to a specific extension of time; or
- b. Trial work experiences are being conducted to explore the individual's abilities, capabilities, and capacity to perform in work situations (See Chapter 5).

3.4 Welcome Session and Application

As stated in section 3.3, individuals interested in Vocational Rehabilitation Services will be given access to application and program information via a Welcome Session within 10 days of initial contact. USOR provides flexibility in how the Welcome Session is provided including, but not limited to, the following delivery methods:

- a. Viewing the USOR Welcome Session video available on the USOR website or YouTube
- b. Watching the Welcome Session video on the lobby monitors (if available).
- c. Scheduling the individual for a group Welcome Session in offices where these are held. These should be scheduled within 10 (ten) days of initial contact with the office.
- d. Receiving a group Welcome Session in a school or other community setting.
- e. Scheduling an individual Welcome Session with a USOR staff member.

Individuals interested in applying for the Vocational Rehabilitation program may access the application (USOR form 4) electronically via the USOR website or in-person at a local district office. Individuals accessing an electronic copy of the application should print and complete the

application for use in the Initial Interview which is part of the intake appointment with a VR Counselor. Individuals who attend an in-person Welcome Session or who visit the local VR office will be given a paper copy of the application.

3.5 Application for Services

USOR defines an applicant as any individual who completes, signs and submits the USOR-4 Application or has otherwise requested Vocational Rehabilitation Services. When requesting VR services via alternative format, the individual must have provided necessary information to initiate an assessment to determine eligibility. Minimum information required to initiate an assessment is:

- a. Name
- b. Address*
- c. Reported Disability
- d. Birthdate
- e. Gender
- f. Date of Application
- g. Referral Source
- h. Applicant Signature and Signature Date

The individual must also be available to complete the intake and assessment process. [34 CFR 361.41(b)]. Upon receipt of the completed and signed USOR-4, or alternative format information, the VR Counselor will place the individual in applicant status. While in applicant status it is expected that sufficient information will be accumulated to make a determination of eligibility, ineligibility or the need for a trial work experience.

* There is no Federal Reporting requirement for client addresses. The Regulations allow state imposed requirements or policy relating to its administration of programs under the Act as long as they are identified as such. The client's address is a state requirement as the Utah State Office of Rehabilitation requires individuals applying for VR services to provide a Utah address that substantiates the individual is present in the State and, hence, available to participate in the eligibility determination process and to receive VR services. § 361.42(c)(1) [34 CFR 361.39]

Individuals who wish to proceed with application for Vocational Rehabilitation Services may contact the local VR office to make an appointment with a Vocational Rehabilitation Counselor. During the appointment, the VR Counselor will review the application with the client and determine if additional information is needed to register the application and proceed with the eligibility process. Individuals who do not have at least the minimum information will not be registered, because the law requires USOR to report that information.

Prior to registering the application the VR Counselor should verify the applicant's understanding of the following information during the initial interview:

- a. The mission of the Vocational Rehabilitation Program
- b. USOR's confidentiality and information sharing policy
- c. Client appeals rights and the availability of the Client Assistance Program

- d. The eligibility process

3.6 Application Withdrawal

Applicants may choose to withdraw an application prior to its registration in the AWARE system. In these instances, the applicant's basic information will be entered in the AWARE referral module as follows:

- a. Name
- b. Referral Date: Record the date of the Initial Interview.
- c. Responsible Reporting Structure: Record the client base and district assignment of the Counselor.
- d. Gender
- e. Birthdate
- f. Outcome: Select the reason the application is being withdrawn. Options include:
 - i. Not authorized to work in the US
 - ii. Pre-ETS as Student Potentially Eligible
 - iii. Not interested in services
 - iv. Not available to participate
 - v. Not interested in employment

While the AWARE referral module provides the option of recording the Social Security Number, this information should not be entered. Supplemental information about the reason the application was withdrawn may be documented in a case note. If the VR Counselor refers the applicant to another agency or program, the referral should be documented on the referral page.

- a. The applicant discloses he/she cannot work legally in the USA and is unable or unwilling to pursue reasonable steps to address this. CSM 3.9 outlines documents that provide evidence of an individual's ability to legally work in the United States. Note: Proof of legal work status is not part of the Initial Interview and Intake and is not required to register an application. If an individual voluntarily discloses that he/she does not have the legal ability to obtain employment or is unsure if he/she has the appropriate documentation to secure employment, VR Counselors will review the documentation requirements outlined in CSM 3.9. If the applicant does not have these documents and has no intention obtaining them, the VR Counselor will return the application and complete an entry in the referral module. The outcome of the referral should be recorded as "not authorized to work in the US."
- b. The applicant meets the criteria for Student with a Disability and as part of informed choice, elects to participate in Pre-Employment Transition Services (Pre-ETS) as a Student Potentially Eligible (SPE). The VR Counselor should provide the individual with information appropriate to facilitate the individual's connection with a Pre-ETS provider who serves Student's Potentially Eligible. The individual's basic information will be added to the referral module with "Pre-ETS as Student Potentially Eligible" as the outcome.

c. The application is not interested in VR Services and chooses not to proceed with the application either because they misunderstood the nature of the VR Program or were incorrectly referred by a partner agency. The individual's basic information should be added to the referral module in AWARE with the "not interested in services" outcome selected. This option should not be used to determine if the applicant has a disability or an impediment to employment. If the VR Counselor questions the existence of a disability or impediment to employment, the application should be registered and the standard eligibility process should ensue.

d. The applicant is not available to participate in the eligibility process and VR services. This option may be appropriate for use with applicants who are completely inaccessible due to institutionalization or individuals who are located outside Utah and who will not be available to participate in assessments necessary for eligibility determination and service provision. In these instances, the individual's basic information will be recorded in AWARE with "not available to participate" selected as the outcome.

e. The applicant states that he/she does not have any intention to go to work. While 34 CFR 362.42 states that completion and submission of an application serves as evidence that the individual is interested in employment, individuals may self-disclose that the application is being submitted but there is no desire to work. This does not include applicants who say they want to but can't or aren't sure if they can work, rather this applies to applicants who apply for VR services seeking a non-employment outcome. For instance, an applicant who is seeking DSPD support services who is submitting the application for VR services in order to meet funding requirements for the DSPD program. Applicants who are pursuing VR Services to satisfy requirements under Employment First, the Settings Rule, or Section 511 may not believe work is possible. The VR Counselor should ensure that the applicant understands the supports VR provides for the pursuit of competitive, integrated employment. Prior to application withdrawal, the following should be discussed

- i. Supported Employment Services and Extended Supported Employment Services
- ii Benefits Planning
- iii Reasonable Expectations (ie. selecting work hours, employment setting and supports that meet the individual's needs)
- iv. The option to receive day services or subminimum wage employment concurrently with competitive, integrated employment.

If, after receiving information about supports and services available to assist in the pursuit of competitive, integrated employment, the individual chooses to withdraw the application the basic information will be entered into AWARE referral module with the "not interested in employment" outcome selected. In addition, a letter may be issued to document the VR Counseling and Guidance provided during the Initial Interview. The intent of this letter is to provide evidence that the individual explored employment options as required for receipt of DSPD day support services. The letter should outline the information discussed in the Initial Interview, including referrals made to other agencies. See Appendix ____ for the sample letter.

3.7 Sources for Referral of applicants

An applicant can be referred by an agency, employer, medical specialist or individual. The cultivation of adequate referral sources, as well as continuing education regarding the rehabilitation program, is the responsibility of all agency employees.

Referral Acknowledgement Guidance

Informing referral sources. The education of referral sources to the rehabilitation program and eligibility criteria is an ongoing process. Notification of the outcome of referrals and screening information given to agencies and individuals is a vital component of the referral and education process and is the responsibility of all staff. VR Counselors must be aware of confidentiality issues in notifying the referral source, but a simple acknowledgment of the referral would not breach confidentiality.

3.8 Responsibility for Applicants with Visual or Hearing Impairments

Individuals who are applying for or receiving vocational rehabilitation services on the basis of their primary disability being a visual or hearing impairment may request services from a counselor who specializes in serving that primary disability where available. USOR will make all appropriate and reasonable efforts to provide accommodations for such requests.

3.9 Legal Status to Engage in Employment

In accordance with U.S. federal law, participants in the VR program must be able to obtain employment at the completion of the IPE as this is the purpose for the provision of services. Applicants with a Social Security Number are assumed to meet the criteria required for employment. Individuals who are not U.S. Citizens must provide the documents required to legally work in the U.S. The VR Counselor must verify the individual has the required documents and save copies of the documents in the client record. The VR Counselor will determine, on a case-by-case basis, if USOR assistance may be necessary to obtain documentation of eligibility to work.

a. Unauthorized Aliens

If an applicant discloses that he or she is unable to legally work in the U.S. the application should not be registered. Instead, the VR Counselor will register the referral (see 3.6) and return the application. This is the case for Unauthorized Aliens who are present in the United States without appropriate legal status. VR Counselors cannot accept and register applications from Unauthorized Aliens. Please note there is no statutory requirement to report Unauthorized Aliens to USCIS. The mission of the agency is fulfilled when the application process is terminated at this point.

b. Legal Employment Status

If an applicant meets the criteria for one of the following four classifications, the VR Counselor can proceed with registration:

- i. U.S. Citizen: an individual who the maximum rights to live and work in the United States. The VR Counselor should proceed with registration of the application.
- ii. Lawful Permanent Resident (LPR): an immigrant alien who has been granted the right by the U.S. Citizenship and Immigration Services (USCIS) to reside permanently in the United States and to work without restrictions. All LPR's are eventually issued a "green card," also known as a Permanent Resident Card (USCIS Form I-551). LPR's who are awaiting the issuance of their Permanent Resident Card may have an I-551 stamp in their foreign passports. The VR Counselor must see the resident card of the applicant and make a copy for the client record. If valid, The VR Counselors should proceed with registration of the application. If the resident card is expired the VR Counselor should request that applicants clear their status before proceeding with registration.
- iii. Nonimmigrant Alien: citizens of foreign countries who have a visa issued by USCIS to enter the U.S. for a particular purpose and time period. Nonimmigrant visas are only valid for a certain amount of time. Examples of Nonimmigrant Aliens include, but are not limited to: students, government officials of foreign countries, crewmen of vessel, visitors in the U.S. for business or pleasure, persons engaged to be married to U.S. Citizens and religious workers.
 - A. Employment Authorization: Nonimmigrant Aliens applicants must provide evidence (USCIS Documents) regarding their status and that VR services can be completed and work permitted under the conditions of their visa. For most Nonimmigrant Aliens the required document is an unexpired Employment Authorization Card.
- iv. Student Non-immigrant Alien: citizens of foreign countries who have entered the U.S. for the purpose of study are issued Student Visas. These Nonimmigrant Alien Students may be able to work while attending school. There are two types of Student Visas:
 - A. The F-1 Visa (Academic Student) allows a Nonimmigrant alien to enter the U.S. as a full-time student at an accredited college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program. F-1 students may not work off-campus during the first academic year, but may accept on-campus employment subject to certain conditions and restrictions.
 - B. The M-1 Visa (Vocational Student) category includes Non-immigrant Alien Students in vocational or other nonacademic programs, other than language training.

For both F-1 and M-1 students any off-campus employment must be related to their area of study and must be authorized prior to starting any work by the Designated School Official (the person authorized to maintain the Student and Exchange Visitor Information System (SEVIS)) and USCIS. Students who are authorized for employment will have an Employment Authorization Card.

After completing their academic or vocational studies, Nonimmigrant Alien Students are expected to return to the country from which they came. When determining the appropriateness to accept and register applications from Nonimmigrant Alien Students, the VR Counselor must assess:

- A. How long the individual intends to work temporarily in the U.S.; and
- B. The individual's willingness to stay in contact with the VR Counselor should he/she return to his/her country of origin or elsewhere for employment.

3.10 Applicants Previously Closed from USOR Records

- a. Clients closed in any status other than status-rehabilitated:

If the client is determined by the VR Counselor to be an appropriate referral, register the client's application and proceed with the eligibility determination process. Information from the old client record may or may not be appropriate in the new eligibility determination. 34 CFR 361.42(d) stresses maximum utilization of existing information, it is the VR Counselor's professional discretion that is used to determine the utility of that information.

Examples of "old" client record information which may be useful include but are not limited to:

- i. Medical exams, specialized exams and hospital records.
- ii. Tests of intelligence, aptitude and achievement.
- iii. Other work evaluation, psychological or medical reports used in conjunction with current data to establish historical documentation of disability, functional limitations, etc.

- b. Applicants who were previously closed after status-rehabilitated

If an applicant has a previous VR record which was closed as status-rehabilitated after achieving an employment outcome, the VR Counselor will need to determine which of the following pathways to follow:

- i. Register the application as a new case. This option should be selected if the applicant is no longer employed with the employer listed in the closure employment information. Keep in mind clients who were previously eligible are not necessarily automatically eligible a second time. Existing information, including previous client record information, may be appropriate to consider, but the actual eligibility determination must be based on current individual situational factors.
- ii. Re-open the previous case in post-employment services. This pathway should be considered if the applicant continues employment with the employer identified in the closure employment information. (See CSM 18 for more information.) This pathway is appropriate for an applicant whose employment is in jeopardy due to a disability related issue and is therefore requesting assistance to maintain

his/her employment. This pathway may also be appropriate for individuals whose disabilities are preventing them from advancing with the employer listed in the closure employment information. In these instances, the VR Counselor will review CSM 18 and staff the case with supervision to verify that the case is appropriate for post-employment services.